

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSHUA M. COLE,

Petitioner,

v.

KENNETH ROMANOWSKI,

Respondent.

CASE NO. 05-CV-71115-DT

JUDGE AVERN COHN

MAGISTRATE JUDGE PAUL J. KOMIVES

ORDER REQUIRING FILING OF RULE 5 MATERIALS

Petitioner Joshua M. Cole filed this application for the writ of habeas corpus pursuant to 28 U.S.C. § 2254 on March 22, 2005. Respondent filed his answer on September 23, 2005. Although Respondent has filed some transcripts of the state proceedings and the decisions of the state courts on petitioner's claims in accordance with Rule 5 of the Rule Governing Section 2254 Proceedings in the United States District Courts, 28 U.S.C. foll. § 2254, that filing is incomplete. Specifically it appears that trial proceedings were held on February 23-24 and 28-29, and March 1-2, 2000, but respondent has not filed trial transcripts covering these proceedings. A preliminary review of petitioner's application shows that these materials are necessary for a resolution of petitioner's claims. Accordingly, it is ORDERED that respondent file the Rule 5 materials no later than **March 27, 2006**.

IT IS SO ORDERED.

S/R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Dated: March 14, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on March 14, 2006.

S/Gina Wilson
Judicial Assistant